

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-51 are pending in the application, with claims 1, 15, 28, 41 and 46 being the independent claims. Claim 1 has been amended to correct a grammatical error. Replacement drawings have been provided for FIGS. 4, 5 and 7-9. These changes are believed to introduce no new matter and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsiders all outstanding objections and rejections and that they be withdrawn.

Drawings

The Examiner has stated that the informal drawings of FIGS. 7, 8 and 9 are not of sufficient quality to permit examination. Accordingly, Applicants provided herewith four replacement drawing sheets including new drawings for each of FIGS. 7, 8 and 9 as well as new drawings for FIGS. 4 and 5. Applicants respectfully request acceptance of these new drawings.

Rejections Under 35 U.S.C. § 103

A. Claims 1-4, 11, 15, 16, 18, 20, 21, 24, 25, 27-29, 31, 32, 38, 40-42 and 44-51

The Examiner has rejected claims 1-4, 11, 15, 16, 18, 20, 21, 24, 25, 27-29, 31, 32, 38, 40-42 and 44-51 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,563,430 to Kemink *et al.* ("Kemink") in view of U.S. Patent No. 6,665,020 to Stahl *et al.* ("Stahl"). For the reasons set forth below, Applicants respectfully traverse.

Independent claim 1, as presently amended, is directed to a method for controlling a consumer electronic device. The method of claim 1 includes:

accessing metadata related to unique control behaviors of the consumer electronic device;

associating a universal command for controlling consumer electronic devices with one or more command codes selected from a predefined set of command codes for the consumer electronic device, wherein said one or more command codes are selected based on said metadata; and

executing said universal command, wherein executing said universal command comprises transmitting said one or more command codes to the consumer electronic device.

The combination of Kemink and Stahl does not establish a *prima facie* showing of obviousness of claim 1, because that combination does not teach or suggest each of the foregoing features of independent claim 1. For example, as will be explained in more detail below, the combination of Kemink and Stahl does not teach or suggest "accessing metadata related to unique control behaviors of the consumer electronic device" or "associating a universal command for controlling consumer electronic devices with one or more command codes . . . for the consumer electronic device, wherein said one or more command codes are selected based on said metadata."

As explicitly recited in claim 1, "metadata" is data "related to unique control behaviors of the consumer electronic device". As further explained at paragraph [0044] of the present specification:

A remote control unit in accordance with an embodiment of the present invention permits a user to execute a basic set of universal commands for controlling a variety of CE devices each having a different manufacturer and/or model type. As discussed elsewhere herein, this is achieved by utilizing CE device metadata to select one or more command codes from a predefined set of command codes for the CE device to implement a particular universal command. ***Metadata refers to data relating to certain control behaviors that are specific to a certain CE device type.*** Knowledge of these control idiosyncrasies is essential to achieving true automated control of CE devices.

(emphasis added). Examples of metadata set forth in the specification include the rules by which a particular television (the Sharp Aquos™ TV) must execute certain operations such as setting input state or tuning TV channels. *See* Specification, paragraphs [0045]-[0053]. Other specific examples pertaining to the Sharp Linytron® TV and the TiVo® Series 2 Satellite Tuner are provided as well. *See* Specification, paragraphs [0054]-[0056].

Kemink nowhere teaches or suggests accessing "metadata related to unique control behaviors of the consumer electronic device" as recited in claim 1. Kemink discloses a user control device that selectively presents a user with a set of commands for remote control of an appliance, wherein the commands are selected based on "context parameters". The context parameters as described by Kemink are one or more of (1) the location of the user in a home environment (Kemink, col. 2, ll. 14-18); (2) the prior location of the user control device (Kemink, col. 4, ll. 35-38); (3) the time of day or year (Kemink, col. 4, ll. 38-40); (4) the state of an external object (Kemink, col. 4, ll. 45-50); (5) the presence of other users or user control appliances (Kemink, col. 4, ll. 50-56); or (6) the identity of the user of the user control device (Kemink, col. 5, ll. 16-19). Notably, none of these "context parameters" has anything to do with "unique control behaviors" of a particular consumer electronic device. Consequently, contrary to the Examiner's assertion, the context parameters of Kemink are not "metadata" as recited in claim 1.

Furthermore, Kemink does not teach or suggest "associating a universal command for controlling electronic devices with one or more command codes . . . for the consumer electronic device, wherein said one or more command codes are selected based on said metadata" as recited in claim 1. In accordance with this feature of claim 1, a universal command is associated with one or more device-specific command codes for

controlling a consumer electronic device. Because this association is made "based on said metadata," it can take into account the particular control idiosyncrasies of the consumer electronic device. As a result, the amount of user intervention required to execute the universal command is minimized. One particular example of this provided in the present specification demonstrates how the universal command for "powering on" a DVD player is associated with a series of device-specific command codes for the Sharp Aquos™ TV (i.e., "channel up", "next input state", and "next input state") based on metadata for that TV. *See* Specification at paragraphs [0047]-[0049].

In contrast, Kemink nowhere teaches or suggests associating a universal command with one or more device-specific command codes "based on said metadata" as recited in claim 1. Rather, in Kemink, proprietary command codes for an appliance are provided to the user control device based on the location of the user control device, or other "context parameters" that have nothing to do with control behaviors unique to the appliance.

The foregoing shortcomings of Kemink with respect to claim 1 are not in any way remedied by Stahl or any of the other secondary references cited by the Examiner in support of the obviousness rejections. For example, Stahl describes a digital television that receives remote control commands and routes them to a peripheral device such as a digital VCR after translation to a universal format. Stahl is silent however with respect "accessing metadata related to unique control behaviors of the consumer electronic device" or "associating a universal command for controlling consumer electronic devices with one or more command codes . . . for the consumer electronic device, wherein said one or more command codes are selected based on said metadata."

Since Kemink and Stahl, either alone or in combination, do not teach or suggest each and every feature of claim 1, these references fail to render claim 1 obvious under 35 U.S.C. § 103(a). Dependent claims 2-4 and 11 are also not rendered obvious by Kemink and Stahl for the same reasons as independent claim 1 from which they depend and further in view of their own respective features.

Independent claims 15, 28, and 41 each recite structures that receive "metadata related to unique control behaviors of [a] consumer electronic device" and that use such metadata to "associate a universal command for controlling consumer electronic devices with one or more command codes . . . for the consumer electronic device", and thus are also not rendered obvious by Kemink and Stahl for the reasons set forth above with respect to claim 1. Each of dependent claims 16, 18, 20, 21, 24, 25, 27, 29, 31, 32, 38, 40, 42 and 45 is also not rendered obvious by Kemink and Stahl for the same reasons as the independent claim 15, 28 or 41 from which it depends and further in view of its own respective features.

Independent claim 46 recites a database for facilitating control of a consumer electronic device that includes "metadata related to unique control behaviors of the consumer electronic device", and thus are not rendered obvious by Kemink and Stahl for the reasons set for the above with respect to claim 1. Dependent claims 47-51 are also not rendered obvious by Kemink and Stahl for the same reasons as independent claim 46 from which they depend and further in view of their own respective features.

In view of the foregoing, Applicants respectfully request that the rejection of claims 1-4, 11, 15-16, 18, 20, 21, 24, 25, 27-29, 31, 32, 38, 40-42 and 44-51 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

B. Claims 5-7, 12, 32, 33, 35 and 36

The Examiner has rejected claims 5-7, 12, 32, 33, 35 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Kemink in view of Stahl and further in view of U.S. Patent No. 5,410,326 to Goldstein ("Goldstein"). The shortcomings of Kemink and Stahl with respect to independent claims 1 and 28 as described in Section A, above, are not in any way remedied by the teachings of Goldstein. Thus, the combination of Kemink, Stahl, and Goldstein fails to render obvious independent claims 1 and 28. Each of dependent claims 5-7, 12, 32, 33, 35 and 36 is also not rendered obvious for the same reasons as the independent claim 1 or 28 from which it depends and further in view of its own respective features. Accordingly, Applicants respectfully request that the rejection of claims 5-7, 12, 32, 33, 35 and 36 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

C. Claims 8 and 10

The Examiner has rejected claims 8 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Kemink in view of Stahl and further in view of Goldstein and further in view of U.S. Patent No. 6,885,643 to Teramoto *et al.* ("Teramoto"). The shortcomings of Kemink and Stahl with respect to independent claim 1 as described in Section A, above, are not in any way remedied by the teachings of Goldstein and Teramoto. Thus, the combination of Kemink, Stahl, Goldstein and Teramoto fails to render obvious independent claim 1. Dependent claims 8 and 10 are also not rendered obvious for the same reasons as independent claim 1 from which they depend and further in view of their own respective features. Accordingly, Applicants respectfully request that the rejection of claims 8 and 10 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

D. Claims 9, 13, 14, 23, 37 and 39

The Examiner has rejected claims 9, 13, 14, 23, 37 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Kemink in view of Stahl in view of Goldstein and further in view of U.S. Patent No. 6,267,678 to Kubo *et al.* ("Kubo"). The shortcomings of Kemink and Stahl with respect to independent claims 1, 15 and 28 as described in Section A, above, are not in any way remedied by the teachings of Goldstein and Kubo. Thus, the combination of Kemink, Stahl, Goldstein and Kubo fails to render obvious independent claims 1, 15 and 28. Each of dependent claims 9, 13, 14, 23, 37 and 39 is also not rendered obvious for the same reasons as the independent claim 1, 15 or 28 from which it depends and further in view of its own respective features. Accordingly, Applicants respectfully request that the rejection of claims 9, 13, 14, 23, 37 and 39 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

E. Claims 17, 19, 30, 34 and 43

The Examiner has rejected claims 17, 19, 30, 34 and 43 under 35 U.S.C. § 103(a) as being unpatentable over Kemink in view of Stahl and further in view of Teramoto. The shortcomings of Kemink and Stahl with respect to independent claims 15, 28 and 41 as described in Section A, above, are not in any way remedied by the teachings of Teramoto. Thus, the combination of Kemink, Stahl, and Teramoto fails to render obvious independent claims 15, 28 and 41. Each of dependent claims 17, 19, 30, 34 and 43 is also not rendered obvious for the same reasons as the independent claim 15, 28 or 41 from which it depends and further in view of its own respective features. Accordingly, Applicants respectfully request that the rejection of claims 17, 19, 30, 34 and 43 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

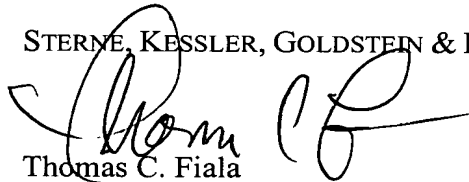
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read 'Tom CF', is written over the printed name of Thomas C. Fiala.

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